

REMARKS

This application has been reviewed in light of the Office Action dated July 25, 2003. Claims 1-3, and 5-27 are pending in this application. Claims 28-35 have been added to provide Applicants with a more complete scope of protection. Support for the additional claims may be found at least on pages 30-53 of the specification, with an emphasis at pages 51-53. Claims 1, 8, 16, 19, 22, 29, and 34 are in independent form. Favorable consideration or reconsideration, as the case may be is requested.

As an initial matter Applicants gratefully acknowledge the allowance of Claims 22-27.

The Office Action rejected Claims 1 and 5 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,452,098 (*Sato et al.*) in view of U.S. Patent No. 5,739,925 (*Kameyama et al.*). Claims 2 and 3 have been rejected as obvious from *Sato et al.*, in view of *Kameyama et al.*, and further in view of U.S. Patent No. 5,812,912 (*Hiroi et al.*). Claim 6 has been rejected as obvious from *Sato et al.*, in view of *Kameyama et al.*, and further in view of U.S. Patent No. 5,889,597 (*Ara et al.*). Claim 7 has been rejected as obvious from *Sato et al.*, in view of *Kameyama et al.*, *Ara et al.*, and further in view of U.S. Patent No. 4,652,937 (*Shimura et al.*).

Claim 8 has been rejected as obvious from U.S. Patent No. 6,342,956 (*Hasegawa et al.*) in view of Japanese Patent No. 11006599 (*Yoshiharu*). Claim 9 has been rejected as obvious from *Hasegawa et al.* in view of *Yoshiharu*, and further in view of U.S. Patent No. 4,847,654 (*Honma et al.*). Claim 10 has been rejected as obvious from *Hasegawa et al.* in view *Honma et al.* Claim 11 has been rejected as obvious from *Hasegawa et al.* in view of *Yoshiharu* and *Sato et al.* Claims 12-15 have been rejected as

obvious from *Hasegawa et al.*, *Yoshiharu*, and U.S. Patent No. 6,011,634 (*Aihara et al.*).

Claims 16-17 and 19-20 have been rejected as obvious from U.S. Patent No. 5,637,070 (*Sasai*) in view of U.S. Patent No. 5,315,397 (*Inoue et al.*). Claims 18 and 21 have been rejected as obvious from *Sasai*, *Inoue et al.*, and further in view of U.S. Patent No. 5,966,569 (*Haneda*).

Applicants traverse these rejections and submit that independent Claims 1, 8, 16, and 19, together with the claims dependent thereon, are patentably distinct from the proposed combination of the cited prior art at least for the following reasons.

The aspect of the present invention set forth in Claim 1 is an image recording device that includes stacking means for stacking a document, reading means for reading an image of the document, separating means for separating the stacked documents sheet by sheet, conveying means for conveying the separated documents to the reading means, and discharging means for discharging the documents to the outside of the device.

The separating means of Claim 1 include a separating roller, a plate-like separating member, and a device body that is divided into an upper unit and a lower unit, wherein the upper unit is constituted to be openable/closable to the lower unit, and the separating means is disposed in either the upper unit or the lower unit.

In the conventional art, since the plate-shaped member and the separating roller are each located in separate halves of the image recording device, (i.e., plate-shaped member in the upper unit, and separating roller in the lower unit), the plate-shaped separating member is separated from the separating roller when the upper unit is opened in order to clear a jammed sheet of paper. As a result of this separation, it is difficult to keep the appropriate positional relationship and urging force between the plate-separating

member and the separating roller.

A notable feature of the image recording device of Claim 1 is that both the plate like separating members and the separating roller are disposed entirely in either the upper unit or the lower unit. (See Fig. 7, 144, 146). As a result of the separating roller and the separating members remaining in the same unit, even when the upper and lower units are opened to clear a sheet jam, the separating roller is never separated from the plate-shaped separating member. Because of this, the positional relationship and the urging force state between the separating member and the separating roller can remain constant, thereby ensuring stable performance during sheet separation.

Sato et al. as understood by Applicants relates to a facsimile apparatus that has a upper portion that is swingable with respect to a lower portion, wherein, the apparatus contains separating means for separating sheets. However, as the Examiner concedes, *Sato et al.* does not teach separating means for separating the document stacked on the stacking means sheet by sheet wherein, the separating means is disposed in either one of the upper or lower units.

Kameyama et al. as understood by Applicants relates to a facsimile apparatus that includes a main body frame, an operable cover plate, a separating roller for separating documents, and a document feeding mechanism, wherein all of the rollers are attached to the main body frame. With respect to the separating means, *Kameyama et al.* discloses that the separation roller 13 if formed from a rubber roller, is disposed in the middle of the width of the document, and is supported by the body frame. Further on the upper side of the separation roller 13 is attached a elastic plate 19 which aids in separating the documents one by one. However, nowhere does *Kameyama et al.* disclose that there is

an openable or closeable upper unit which houses both the separation roller and the separation member.

Furthermore, Japanese Patent No. 61-295753, cited in the corresponding Japanese Patent Application, and included with the Information Disclosure Statement filed concurrently with this amendment, discloses that a separation belt 5 and a conveyor belt 4 are opposite to each other and provided in a lower unit "U", the conveyor belt 4 is rotated in the original conveying direction and the separation belt 5 is rotated in the opposite direction. As optical readout part (fluorescent lamp 14, mirrors 15, 16, and 17, and CCD (not shown in figures)), conveyor rollers 6a, 7a, rear conveyor guides 8, 9 discharge rollers 11, and a discharge tray 12 are provided in an upper unit "R". The upper unit R is pivoted with respect to the lower unit U so that the units are divided. The separation belt 5 and the conveyor belt 4 are designated as means for separating the originals.

Claim 1 of the present invention differs from that of Japanese Patent No. 61-295753, in that in the present invention, the separating means for separating the originals is comprised of the plate-like separating member and the separating roller, and not separation and conveyor belts. In order to use the plate-like separating member and the separating roller of Claim 1 to separate documents, it is necessary to keep the appropriate positional relationship and urging forces between the plate-like separating member and the separation roller.

Applicants submit that the proposed combination of *Sato et al.* and *Kameyama et al.*, assuming such combination would even be permissible, still fails to teach or suggest a image recording device wherein the separation means be disposed entirely in either the upper unit or the lower unit to improve sheet separation performance.

Accordingly, Applicants submit that Claim 1 is patentable over the *Sato et al.* in view of *Kameyama et al.*

The Office Action rejected independent Claim 8, under 35 U.S.C. § 103(a) as being unpatentable over *Hasegawa*, in view of *Yoshiharu*. Applicants respectfully traverses this rejection, and submits that independent Claim 8, together with the claims dependent thereon, are patentable over *Hasegawa*, in view of *Yoshiharu* for at least the following reasons.

Applicants note that the present invention claims priority under 35 U.S.C. § 119 of Japanese Applications Nos. 10-283057, 10-283149, 10-283150, 10-283152, and 10-299170, all filed on October 5, 1998. Certified copies of the priority documents have already been submitted. It is noted however, that cited reference *Yoshiharu*, has a filing date of January 12, 1999.

Claim 8 is supported by the disclosure of the Japanese Application 10-283149 noted above. In order to perfect Applicants claim for foreign priority, a sworn English translation of Japanese Patent Application No. 10-283149 is presently being prepared and will be submitted as soon as it is completed. Accordingly, with the sworn translation, Applicants submit that independent Claim 8, and the claims dependant therefrom are entitled to the benefit of the priority date of October 5, 1998. Therefore, *Yoshiharu*, which has a filing date of January 12, 1999, does not qualify as prior art to those claims. With *Yoshiharu* no longer available as prior art, Applicants submit that Claim 8 is patentable over *Hasegawa*.

The aspect of the present invention set forth in Claim 16 is an image recording device having recording means for recording an image on a sheet in accordance with image

information, a reading section having reading means for reading a document and separating means for separating the document sheet by sheet to feed the document to the reading means, and a device body to which the recording section and the reading section are attached, where the separating means of the reading section is disposed above the recording means, and the separating means can open by rotating from a front side toward a rear side of the device body centering on a rotating shaft disposed on the rear side of said device body.

The aspect of the present invention set forth in Claim 19 is an image recording device including a recording section having recording means for recording an image on a sheet in accordance with image information and a rolled sheet storage section for accommodating a rolled sheet to feed the sheet, a reading section having reading means for reading a document and separating means for separating the document sheet by sheet to feed the document to the reading means, and a device body to which the recording section and the reading section are attached, where the separating means of the reading section is disposed above the recording means, and the separating section can open by rotating from a front side toward a rear side of the device body centering on a rotating shaft disposed on the rear side of the device body.

A notable feature of the inventions of Claims 16 and 19 are that they achieve a downsizing of the apparatus, improve maintenance in the recording section, and improve operability on clearing a jammed recording sheet. In the inventions of Claims 16 and 19, the separating means for separating a document to be read by the reading section is disposed above the recording means. Furthermore, the separating means can open by rotating from the front to the rear of the device body centering on a rotating shaft disposed

on the rear side of the device body. Accordingly, the stacking area of the device can be reduced in the horizontal direction to thereby reduce the overall device in size because of the fact that the separating means for separating the document is disposed above the recording section. As a result, when a user rotates the separating means above the recording means in order to perform maintenance of the recording section, or to clear a jammed recording sheet in front of the device body, the ease of use for the user is improved because the distance from the front end of the device body to the recording section is short.

Sasai relates to a curl correction device provided with a sheet transport path, transportation means for transporting a sheet along the sheet transport path, guide members for guiding the sheets, and moving means for moving the guide members into position. *Sasai* contains a recording unit and a reading unit, wherein, the recording unit and the reading unit are disposed side by side. (See Fig. 2).

Inoue et al. relates to an apparatus for receiving and recording transmitted recording data and includes a reception unit for receiving the transmitted recording data, a storage unit for storing the recorded data, a recording unit for reading out and recording the recording data from storage, and a deletion unit for deleting the recorded data. One aspect of *Inoue et al.* discloses that a separation pad M223, conveying roller M225, and reading platen roller M227 are rotatable as a unit about a shaft M128. However, a printer M200 for recording an image is housed in an independent structure from the main body unit M1 provided with a scanner unit M13.

Applicants submit that the proposed combination of *Sasai* and *Inoue et al.*, assuming such combination would even be permissible, would still fail to teach or suggest a image recording device where the separating means, for separating a document to be read

by the reading means are disposed above the recording means.


A review of the other art of record including, *Ara et al.*, *Aihara et al.*, *Haneda, Hiroi et al.*, *Honma et al.*, and *Shimura et al.*, has failed to reveal anything that, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as applied against the independent claims herein. Therefore, those claims are respectfully submitted to be patentable over the art of record.

The other rejected claims in this application depend from one or another of the independent claims discussed above, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



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